

266 CMR 2.00: ~~DEFINITIONS~~

2.01: ~~Definitions~~

As used in 266 CMR 1.00 through 10.00, the following definitions shall apply:

Agent: ~~Seller's~~ Seller's/owner(s) representative and or person authorized to act on behalf of the seller/owner(s) including a real estate broker or salesperson as defined in M.G.L. c. 112 § 87 PP.

Associate Home Inspector: A person ~~employed by~~ licensed pursuant to M.G.L. c. 112, § 223, conducting a ~~licensed home inspector to conduct home inspections~~ Home Inspection of residential building(s) under the supervision of a ~~home inspector who is licensed pursuant to M.G.L. c. 13, § 96~~ Home Inspector.

Architectural Services: ~~As defined in M.G.L. c. 112, §§ 60A THROUGH 60O (architect's license required).~~

Architectural Study: ~~A study requiring architectural services.~~

Automatic Safety Controls: Devices designed and installed to protect ~~systems~~ Systems and ~~components~~ Components from excessively high or low pressures and temperatures, excessive electrical current, loss of water, flooding, loss of ignition, fuel leaks, fire, freezing, or other unsafe conditions.

Architectural Services: As defined in M.G.L. c. 112, §§ 60A through 60O (architect's license required).

Architectural Study: A study requiring Architectural Services.

Basement: The portion of a Dwelling that is partly or completely below grade.

Board: The Board of Registration of Home Inspectors established pursuant to M.G.L. c. 13, § 96.
Buyers

Branch Circuit: The circuit conductors between the final overcurrent device protecting the circuit and the outlet(s).

Buyer's Broker: ~~A real estate broker or salesperson, as defined in M.G.L. c. 112 § 87 PP acting exclusively on behalf of a~~ YY1/2, who has a written contractual agreement or a written agency disclosure between the buyer and the real estate broker specifying that the real estate broker is acting exclusively for the buyer as a buyer's broker.

Central Air Conditioning: A ~~system~~ System that uses ducts to distribute cooled and/or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and which is not plugged into an electrical ~~convenience~~ outlet.

Client: ~~A person who engages the services of a home inspector~~ Home Inspector for the purpose of obtaining inspection of and a written ~~report on~~ Report regarding the condition of a residential building(s).

Component: A ~~readily accessible~~ Readily Accessible and observable aspect of a ~~system~~ System such as a floor or a wall, but not individual pieces such as boards or nails where many similar pieces make up the ~~component~~ Component.

Conditioned Surface: The surface of the floor and or ceiling that is being mechanically cooled and or heated.

Continuing education program~~Continuing education program~~Education Program: Formal presentation such as a lecture or interactive session with specified learning objectives at which ~~registrants can~~Registrants may earn contact hours approved by the Board based on criteria set forth in 266 CMR 5.00.

266 CMR 2.00: DEFINITIONS CONTINUED:

Contract: The written agreement between the Client and the Home Inspector spelling out the responsibilities and duties of each party and the fee to be paid for the Home Inspection.

Cross Connection: Any physical connection or arrangement between potable water and any source of contamination.

Dangerous or Adverse Situations: Situations that pose a threat of injury to the home inspector including, but not limited to those situations in which Inspector's health and welfare as determined by the home inspector is required to use special protective clothing or other safety equipment. Inspector.

Describe: A written account of the materials used in and the condition of the Systems and Components Observed. The Inspector must state in his or her report whether the System or Component described is in need of repair and/or requires further investigation.

Direct Supervision: Direct Supervision means on-site and in-view observation and guidance of a supervisee who is performing an assigned activity during a Home Inspection.

Dismantle: To take apart or remove any ~~component~~ Component, device, or piece of equipment that is bolted, screwed, or fastened that a homeowner in the course of normal household maintenance would not dismantle other than the electrical panel cover(s).

Division: The Division of Professional Licensure.

Dwelling: A house, townhouse, condominium, cottage, or a Residential Building containing not more than four dwelling units.

Educational Provider or Provider: A person approved by the Board to offer continuing education credits.

Electrical Services: As defined in M.G.L. c. 141, M.G.L. c. 148, §§ 10D and 10E, and 527 CMR 12.00 (electrician license required).

Engineering Services: As defined in M.G.L. c. 112, §§ 81D through 81T. (~~engineer~~ Engineering license required).

Engineering Study: A study requiring ~~engineering services~~ Engineering Services.

~~Fully Depreciated:~~ Item inspected is no longer under the manufacturer's warranty and it is suggested that it is reaching the end of its serviceable life.

Environmental Services: Services that require physical samples to be taken and analyzed by a laboratory to determine the type of and presence of contaminants and or organic compounds and as defined in M.G.L. c. 112, §§ 81D through 81T and §§ 87LL.

Feeder: All circuit conductors between the service equipment, the source of a separately derived System, or other power supply source and the final branch-circuit overcurrent device.

Fully Depreciated: Item inspected is no longer under the manufacturer's warranty and it is reaching the end of its serviceable life, has no dollar or salvage value and replacement should be anticipated.

Functional Drainage: A drain is functional when it empties in a reasonable amount of time and does not overflow when another fixture is drained simultaneously.

Functional Flow: A reasonable flow at the highest fixture in a dwelling when another fixture is operated simultaneously.

Heating Services: As defined in M.G.L. c. 148, §§ 10C and 10H, and 527 CMR 4.00 (oil burner, plumber and electrician license required where applicable).

266 CMR 2.00: DEFINITIONS CONTINUED:

Home Inspection: The process by which ~~a home inspector observes~~ an Inspector Observes and provides, pursuant to the sale and transfer of a residential building, a written evaluation of the following readily accessible ~~components~~ Components of a residential building: heating, cooling, plumbing and electrical systems, structural ~~components~~ Components, foundation, roof, masonry, structure, exterior and interior ~~components~~ Components and any other related residential housing ~~components~~ Components. A ~~home inspection~~ Home Inspection shall, at a minimum, conform with to standards of practice promulgated by the ~~board~~ Board.

~~221~~ 222. Home inspector Inspector: A person licensed ~~as a home inspector~~ pursuant to M.G.L. c. 112, §

Household Appliances: Kitchen and laundry appliances, room air conditioners, and similar appliances.

Indirect Supervision: Indirect Supervision means the oversight of activities, other than direct observation, performed by the Supervisor in order to provide guidance. These activities may include: meeting with the supervisee; reviewing reports prepared by the supervisee; review and evaluation of the supervisee's activities in connection with Home Inspections; and supervisory conferences that may be conducted by telephone.

In Need of Repair: Does not adequately function or perform as intended and or presents a Safety Hazard.

Installed: Attached or connected such that the installed item requires tools for removal.

~~Normal Operating Controls~~: Homeowner operated devices such as a thermostat, wall switch, or safety switch.

Inspect: To look at and examine Readily Accessible items, parts, Systems or Components as required by CMR 6.00.

Inspector: A person licensed under M.G.L. c. 112, § 222 or § 223.

Interior Wiring: Shall include the exposed and Readily Observable Feeder and Branch Circuit wiring in the Dwelling.

National Home Inspectors Examination: A written and or electronic competency examination approved by the Board.

Normal Operating Controls: Homeowner operated devices such as a thermostat or wall switches.

Observable: Able to be ~~observed~~ Observed at the time of the inspection without the removal of ~~covering~~, fixed, or finished coverings and /or stored materials.

Observe: The act of making a visual examination. If a deficiency is seen in a Component or System observed by the Inspector the deficiency must be noted on the Report.

On-site Water Supply Quality: Water quality is based on the bacterial, chemical, mineral, and solids content of the water.

On-site Site Water Supply Quantity: Water quantity is the rate of flow of water.

Operate: To cause ~~systems~~ Systems or equipment to function.

Plumbing Services: As defined in M.G.L. c. 142 and 248 CMR 2.04 (plumber license required)

Primary Windows and Doors: Windows and exterior doors that are designed to remain in their respective openings year round.

266 CMR 2.00: DEFINITIONS CONTINUED:

Readily Accessible: Capable of being reached quickly for visual inspection without requiring the ~~inspector~~ Inspector to climb over or remove any personal property, to dismantle, to use destructive measures, to resort to portable ladders and or any action which will likely involve risk to persons or property.

Readily Operable Access Panel: A panel provided for homeowner inspection and maintenance, which has removable or operable fasteners or latch devices in order to be lifted, swung open, or otherwise removed by one person, and its edges and fasteners are not painted in place. The panel must be within normal reach and not blocked by stored items, furniture or building ~~components~~ Components.

Readily Observable Signs: Conditions of deterioration on the surface including, but not limited to water stains, wood destroying fungi, insect infestation, deterioration, that give an Inspector a reasonable basis to believe that there is a potential for concealed damage in the System or Component or area inspected.

Recreational Facilities: ~~Spas~~ Whirlpools, saunas, steam baths, swimming pools, tennis courts, playground equipment, and otherwise entertainment, or athletic facilities.

Registered Professional Home Inspector: A Registrant— (person) licensed pursuant to M.G.L. c. 112, § 222, by the Division of Professional Licensure.

Registrant: “Register”, “registrant”, “Registered”, “Registrant”, and “registration” shall be used interchangeably with the words “license”, “licensee”, and “licensure”.

Repair: All repairs, when implemented by the buyer, seller, and or homeowner shall comply with applicable requirements of the governing codes and sound construction practices.

Report: A written document setting forth findings of ~~home inspection~~ the Home Inspection unless otherwise specified in 266 CMR 2.00.

Report On: A written detailed description of the condition of the Systems and Components Observed. The Inspector must state in his or her report whether the System reported on is in need of repair or requires further investigation.

Representative Number: For multiple identical ~~components~~ Components such as windows and electrical outlets — ~~one such component~~ Component per room. ~~For, for~~ for multiple identical exterior ~~components~~ Components — one such ~~component~~ Component on each side of the ~~building~~ Dwelling.

Residential Building: A structure consisting of one to four dwelling units.

Roof Drainage Systems: Gutters, down spouts, leaders, splash blocks, and similar ~~components~~ Components used to carry water off a roof and away from a Dwelling or residential building.

Safe Access: Access free of any encumbrances, hazardous materials, health and safety hazards such as climbing and or standing on other than the ground and or floor which may jeopardize the ~~inspector~~ Inspector as determined by the Inspector.

Safety Glazing: Tempered glass, laminated glass, or rigid plastic.

266 CMR 2.00: DEFINITIONS CONTINUED:

Safety Hazard: A condition in a Readily Accessible, installed System or Component, which is judged by the Inspector to be unsafe, of significant risk of personal injury during normal day-to-day use. The risk may be due to damage, deterioration, improper installation or a change in the accepted residential construction standards.

Seller/Seller's Representative: The owner of the property or ~~owner's agent of a dwelling being inspected~~ one legally authorized to act on behalf of the owner such as an administrator, executor, guardian, or trustee, whether or not a natural person or Agent representing the seller.

Shut Down: A piece of equipment or a ~~system~~ System is shut down when the device or control cannot be operated in a manner that a homeowner should normally use to operate it. If the safety switch or circuit breaker is in the "off" position, or the fuse is missing or blown, the ~~inspector~~ Inspector is not required to reestablish the circuit for the purpose of operating the equipment or ~~system~~ System.

Solid Fuel Heating Device: Any wood, coal, or other similar organic fuel-burning device, including but not limited to fireplaces whether masonry or factory built, fireplace inserts ~~and~~, stoves, ~~wood stoves (room heaters)~~ central furnaces, and any combination of these devices.

Structural Component: A ~~component~~ Component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

Sufficient Lighting: Fully lighted with a minimum of 50-foot candlepower in all areas to be inspected.

Supervisor: The licensed Home Inspector designated to oversee and supervise the training of an Associate Home Inspector and or Trainee.

System: A combination of interacting or interdependent ~~components~~ Components, assembled to carry out one or more functions.

Technically Exhaustive: An inspection is technically exhaustive when it involves the extensive use of measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.

Trainee: A person participating in the Associate Home Inspector training program who has not met the requirements for an Associate Home Inspector's License.

Under Floor Crawl Space: The area within the confines of the foundation and between the ground and the underside of the lowest floor structural ~~component~~ Component not including the Basement.

266 CMR 3.00: PROCEDURE FOR REGISTRATION

~~**Unsafe:** A condition in a readily accessible, installed system or component, which is judged to be of significant risk of personal injury during normal, day to day use. The risk may be due to damage, deterioration, improper installation or a change in the accepted residential construction standard.~~

REGULATORY AUTHORITY

~~M.G.L. c. 13, § 96, c.112, §§ 221 through 226.~~

Section

3.01: Application and Licensing

3.02: Procedures for Renewal of a License and Renewal of a Lapsed/Expired License

3.03: Procedures for Reinstatement of a License, which has been Revoked, Suspended, Surrendered, or Placed on Probation

3.04: Board Notification of Change in Name or Address

3.05: License Fee

3.06: Late Filing Fee

3.07: Application Fee

3.08: Reimbursement of Fees

3.01 Application and Licensing

(1) Application.

~~(a) Application for licensure must be made on forms furnished by the Board.~~

~~(b) No application shall be acted upon by the Board unless said application is made on forms which are furnished by the Board; and unless said the application is completely and properly filled out, signed under the penalties of perjury, and accompanied by such all information that required by the Board requires.~~

(2) Licensure.

(a) In order to be licensed as a ~~home inspector~~ Home Inspector applicants must meet the requirements for licensure set by M.G.L. c. 112, §~~222~~ 223, namely:

- ~~1. be~~ Be of good moral character;
- ~~2. have.~~
- Have successfully completed high school or its equivalent;
- ~~3. have.~~
- File an application for licensure on forms furnished by the Board.
- Have been engaged as a licensed ~~associate home inspector~~ Associate Home Inspector for not less than one year ~~and have performed.~~
- Document the successful completion of not less than 100 ~~home inspections~~ Home Inspections performed under the ~~supervision~~ Supervision of a licensed home inspector;
- ~~4. have passed an associate home inspector written or electronic competence examination as offered or approved by the board; and~~
- ~~5. pay~~ Home Inspector.
- Pay the appropriate fee set by the ~~secretary of administration and finance~~ Secretary of Administration and Finance.

~~(b) In order to be licensed as an associate home inspector applicants must meet the requirements for licensure set by M.G.L. c. 112, §222, namely:~~

- ~~1. be of good moral character;~~
- ~~2. have successfully completed high school or its equivalent;~~
- ~~3. have successfully completed a board approved training program;~~
- ~~4. have performed not less than 25 home inspections in the presence of a licensed home inspector;~~
- ~~5. have passed a written or electronic competency examination offered or approved by the board;~~
- ~~6. have an identified supervisor who is a person licensed in good standing in the commonwealth as a home~~

inspector; and

~~7. have paid the appropriate fee which shall be set by the by the Secretary of Administration and Finance.~~

- ~~7. (c) A licensed home inspector and associate home inspector engaged in the practice of home inspection shall secure, maintain and file with the board satisfactory proof of a certificate of~~ Agree to uphold the standards of ethics and professional conduct set forth in 266 CMR 8.00 et seq.
- ~~8.~~ Agree to issue Reports in compliance with the Standards of Practice set forth in 266 CMR 6.00 et seq.
- ~~9.~~ File satisfactory proof of coverage by an errors and omissions insurance policy which shall be in a minimum amount of \$250,000 in the aggregate. Every proof of an errors and omissions policy shall stipulate that cancellation or nonrenewal of the policy shall not be effective until at least ten days notice of intention to cancel or not renew has been received in writing by the board.

~~(3) "Grandfather" licensure. Prior to May 1, 2001, the Board shall issue to an individual upon application, a home inspector license if such individual provides satisfactory proof to the Board that he/she:~~

- ~~a. ——— has been in the practice of home inspections for compensation for more than three years prior to May 1, 2001;~~
- ~~a. ——— has performed not less than 125 home inspections for compensation;~~
- ~~a. ——— is of good moral character; and~~

- ~~10. pays~~ Submit documentation that the applicant has met the continuing education requirements of 266 CMR 5.01.
- ~~11.~~ Agree to maintain a current copy of the regulations at his/her place of business.

(b) In order to be licensed as an Associate Home Inspector applicants must meet the requirements for licensure set by M.G.L. c. 112, §222, namely:

1. Be of good moral character.
2. Have successfully completed high school or its equivalent.
3. File an application for licensure on forms furnished by the Board.
4. Have an identified Supervisor who is a licensed Home Inspector in good standing in the Commonwealth.

3.01 Application and Licensing Continued:

- ~~±~~ 5. Pay the appropriate fee set by the ~~secretary~~ Secretary of Administration and Finance.
6. ~~(4) Licensure by Reciprocity.~~ Upon payment to the Board for a fee and the submission of a written application provided by the Board, the Board shall issue a home inspector Document the successful completion of not less than 25 Home Inspections performed in the presence of a licensed Home Inspector.
7. Document that the applicant has passed the written or electronic competency examination approved by the Board.
8. Agree in writing to participate in and perform the training, functions and responsibilities prescribed for Associate Home Inspectors in 266 CMR 4.00 et seq.
9. Agree to uphold standards of ethics and professional conduct set forth in 266 CMR 8.00 et seq.
10. Agree to submit reports in accordance with 266 CMR 6.00 et seq.
11. Submit documentation that the applicant has completed the required Education Training Credits as specified in 266 CMR 4.01.
12. File satisfactory proof of coverage by an errors and omissions insurance policy, which shall be in a minimum amount of \$250,000 in the aggregate.
13. Agree to maintain a current copy of the regulations at his/her place of business.

The Board shall promptly notify an applicant, in writing, whether his/her application has been approved. If the Board approves the application, the Board shall issue the applicant an Associate Home Inspector License. The computation of the one year period referred to in M.G.L. c. 112, § 222 (13)(c)(iii) shall begin upon issuance of the Associate license.

(3) Licensure by Reciprocity or Endorsement The Board shall issue a Home Inspector license to a person who holds a valid Home Inspector license or registration issued by another jurisdiction which has standards substantially equivalent to or exceeding the standards of the Commonwealth as determined by the Board. A license by endorsement or reciprocity may issue upon submission of a written application, on forms provided by the Board, filing with the Board satisfactory proof of a coverage by an errors and omissions insurance policy, which shall be in a minimum amount of \$250,000 in the aggregate, and payment of the appropriate fee set by the Secretary of Administration and Finance.

(4) Mandatory Insurance Coverage

As a condition of licensure, all licensed Home Inspectors and Associate Home Inspectors engaged in the practice of Home Inspection shall secure, maintain, and file with the board satisfactory proof of coverage by errors and omissions insurance policy which shall be in a minimum amount of \$250,000 in the aggregate. All errors and omissions policy shall stipulate that cancellation or non-renewal of the policy shall not be effective until at least ten days notice of intention to cancel or not renew has been received in writing by the Board. A Home Inspector shall notify the Board of cancellation of insurance within ten (10) days of said cancellation

3.02: —Procedures for Renewal of a License and Renewal of a Lapsed/Expired License

(1) Requirements for Renewal of a License.

- (a) A ~~registrant~~ Registrant must renew his license every two years. Each license originally issued to an individual shall be valid until May 1st on the even year next occurring. Upon renewal, the license will be valid until May 1st on the even year next occurring.
- (b) A ~~registrant~~ Registrant must submit ~~to the Board~~ a completed renewal application and the required fees prior to the expiration date of the license; ~~and~~.

~~(c) A registrant must fulfill and document the continuing education requirements and standards of practice and conduct as required in 266 CMR 5.00.~~

(c) A Registrant must file satisfactory proof of coverage by an errors and omissions insurance policy, which shall be in a minimum amount of \$250,000 in the aggregate; and

(c) A Registrant must fulfill and document completion of the continuing education activities required in 266 CMR 5.00.

(2) Procedures for Renewal of a Lapsed/Expired License.

- (a) If a ~~registrant~~ Registrant fails to meet the requirements for renewal of his license as set forth in 266 CMR 3.02 (1), the license of such person is considered expired and not in good standing. ~~A registrant~~ A Registrant with an expired license is not authorized to conduct home inspections for compensation ~~or to use the title "licensed home inspector"~~ "Registered Professional Home Inspector" or "Home Inspector" during the period in which the license is expired.

- (b) If a ~~registrant~~ Registrant requests that his/her expired license be reinstated within one year ~~from of the time a registrant's license expires,~~ date that individual his/her license expired, the Registrant must pay the renewal fee for the current licensure period, pay ~~one a~~ late fee, ~~and document completion of all continuing education contact hours required by the Board since the date~~ and file satisfactory proof of coverage by an errors and omissions insurance policy which shall be in a minimum amount of \$250,000 in the license was last issued/renewed aggregate.

~~(c) If an individual fails to renew his/her license within one year, the registrant must submit a completed renewal form, pay the current renewal fee, pay a late fee, and document completion of the continuing education contact hours required by the Board for the current renewal period.~~

- ~~(d) If a licensee fails to renew after one year, the Board may grant renewal upon its discretion.~~

(c) If a Registrant fails to renew for more than one year, the Board may grant renewal upon its discretion based upon the circumstances surrounding the request. The Board may require the ~~registrant to:~~ Registrant to appear before the Board, take an examination, complete additional continuing education or to practice under supervision prior to or as a term or condition of issuing said late renewal license.

(3) Mandatory Insurance Coverage

As a condition of renewal, all licensed Home Inspectors and Associate Home Inspectors engaged in the practice of Home Inspection shall secure, maintain, and file with the board satisfactory proof of coverage by errors and omissions insurance policy which shall be in a minimum amount of \$250,000 in the aggregate. All errors and omissions policy shall stipulate that cancellation or non-renewal of the policy shall not be effective until at least ten days notice of intention to cancel or not renew has been received in writing by the Board.

3.03: Procedures for Reinstatement of a License which has been Revoked, Suspended, Surrendered, or Placed on Probation

Procedures for the reinstatement of a license after discipline shall be determined by guidelines established by the Board or, in specific matters, by consent agreement or a decision and order of the Board issued consistent with M.G.L. Ch. 30A.

3.04: Board Notification of Change in Name or Address

(1) Official mailing address. The mailing address supplied to the Board by the Registrant will suffice be considered as the legal address of record for the receiving receipt of official process or notification correspondence from the Board. Failure to supply the Board with an official a correct mailing address for the receiving of legal process or other Board notifications may result in default judgment or form the basis of independent disciplinary action taken as a result because of this failure.

2 (2) Change of address. ~~The registrant~~ A Registrant shall notify the Board of any change in his/her name, or _____ address. Such notification shall be in writing and shall be submitted within 30 days of the change in name or address.

3.05: ~~License Fee~~

Biennial license fees are set by the Secretary of Administration and Finance of the Commonwealth of Massachusetts. There is no provision for proration of fees for those applying between renewal dates.

3.06: ~~Late Filing Fee~~

Renewal forms and fees postmarked after the due date will be subject to a late filing fee set by the Secretary of Administration and Finance.

3.07: ~~Application Fee~~

A separate application fee will be charged for all new ~~application forms~~ applications.

3.08: ~~Reimbursement of Fees~~

Application and license fees are not refundable.

~~REGULATORY AUTHORITY~~

~~M.G.L. c. 13, § 96, C. 112, §§ 221 through 226.~~

266 CMR 4.00: ~~ASSOCIATE HOME INSPECTOR TRAINING PROGRAM~~
~~AND REGISTRATION REQUIREMENTS~~

~~4.01: Application for Associate Certificate~~

~~(1) Any person who meets the requirements of 266 CMR 3.01 (2) (b) may apply in writing for certification as an associate home inspector. The application shall be made on a form prescribed by the Board, which may be obtained from the Board at its offices.~~

~~(2) As a condition for applying for an associate home inspector's license, the applicant shall agree in writing to participate in and perform the training, functions and responsibilities prescribed for Associate Home Inspectors in 266 CMR 4.01 through 4.03 and agree to uphold standards of ethics and professional conduct.~~

~~(3) The applicant's supervisor, as defined in 266 CMR 4.02 shall certify the application as prescribed on the application form. The certification shall include a verification of the statements of the applicant and a statement that the supervisor agrees to participate in the associate home inspector program described in 266 CMR 4.01 through 4.03.~~

~~(4) The applicant's supervisor shall certify in writing that he/she is registered in good standing in the Commonwealth as a home inspector. He/she shall provide the appropriate registration number and date of expiration to the Board.~~

~~(5) The applicant shall accompany his/her application with the filing fees set by the Secretary of Administration and Finance. The fee shall be paid by personal check or money order.~~

~~(6) The Board shall notify an applicant promptly in writing whether or not his/her Associate application has been approved. If the Board approves the application, the Board shall issue to the applicant an associate home inspector license, and thereupon the computation of the one year period referred to in M.G.L. c. 112, § 222 (13)(c)(iii) shall begin.~~

~~4.02: Duties/ Work Requirements of Associate Home Inspector~~

~~(1) In entering into supervision program prescribed by 266 CMR 4.00, an associate shall assume all of the responsibilities described in 266 CMR 4.01 through 4.05 and shall follow all of the state and federal laws, rules and regulations governing or related to the practice of home inspection.~~

~~(2) An associate shall perform diligently and faithfully the work of home inspection and such duties as are assigned by his or her supervisor.~~

~~(3) An associate shall perform the functions of a Home Inspector in accordance with Board rules only under the supervision of a licensed home inspector.~~

~~(4) An associate shall treat all customers and coworkers in a professional and courteous manner and shall respect the property of customers, the employer and colleagues and shall abide by the employer's work rules.~~

(5) The performance of 25 home inspections under the direct supervision of a licensed home inspector is considered by the Board to be approved as a "formal training program."

~~4.03: Duties of Employer/Supervision Responsibilities~~

~~(1) Every associate shall have one designated supervisor per inspection who shall carry out all the duties, functions and responsibilities of~~

Section

4.01: Education Training Credits.

4.01: Duties and Responsibilities of the Associate Home Inspector Supervisor

4.02: Duties/ Work Requirements of Associate Home Inspector and Trainee

4.01: Educational Training Credits

In order to be eligible for licensure as an Associate Home Inspector a Trainee shall have completed a Board Approved training program. Said program must consist of not less than sixty (60) hours of formal coursework. All Providers of educational training credit coursework must be approved by the Board in accordance with 266 CMR 5.00 unless exempted. No less than six (6) hours of said formal coursework shall be dedicated to inspection of roofing, no less than nine (9) hours shall be dedicated to inspection of structural system(s), no less than nine (9) hours shall be dedicated to inspection of electrical system(s), no less than nine (9) hours shall be dedicated to inspection of plumbing system(s), no less than nine (9) hours shall be dedicated to inspection of heating and air conditioning systems, no less than six (6) hours shall be dedicated to the standards of practice and regulations and no less than six (6) hours report writing, no less than three (3) hours shall be dedicated to an area of home inspection in an area of interest and three (3) hours on professional ethics.

4.02: Duties and Requirements of the Trainee and Associate Home Inspector's Supervisor

1. A Supervisor shall follow all of the state and federal laws, rules and regulations governing or relating to the practice of Home Inspection and shall treat all Trainees and Associate Home Inspectors in a professional and courteous manner.
2. A Supervisor must be a licensed Home Inspector in the Commonwealth of Massachusetts. A Supervisor's license must be in good standing.
3. A Supervisee may be a subcontractor or independent contractor of the Supervisor.
4. A Supervisor must sign or stamp all Reports prepared by a Trainee under his or her supervision.
5. A Supervisor must stamp or sign all Contracts between a Client and an Associate Home Inspector or Trainee under his or her supervision.

4.02: Duties and Requirements of the Trainee and Associate Home Inspector's Supervisor
Continued:

6. A Supervisor shall personally review the progress of an Associate Home Inspector he or she is supervising and shall make a detailed written evaluation of the Associate periodically, but no less frequently than once every three months. Such report shall be provided to the Associate Home Inspector.

The evaluation shall, at minimum, list the specific inspections conducted and training and related technical instruction which the Associate has received during the three-month evaluation period.

7. Upon request by the Associate Home Inspector, a Supervisor shall certify an Associate Home Inspector application as prescribed on the application form.
8. A Supervisor may supervise only one Trainee per inspection.
9. A Trainee may have multiple Supervisors.
10. Direct Supervision. The Supervisor is responsible for full time direct, on site, supervision of a Trainee's Home Inspections. Direct Supervision shall include:
 - a. The full time presence of the Supervisor at the inspection site.
 - b. The Supervisor's stamp or signature on all Reports prepared by the Trainee prior to the Report being turned over to the Client.
11. Indirect Supervision:

~~a supervisor as set forth in 266 CMR 4.01 through 4.03. Such supervisor shall sign the application form of the associate as set out in 266 CMR 4.01(3) certifying his or her agreement to be designated as the associate's supervisor. Such supervisor may or may not be the employer of the associate.~~ Indirect supervision shall only apply to an Associate Home Inspector.

~~(2) In entering into the supervision program described by 266 CMR 4.00, a supervisor shall assume all of the responsibilities described in 266 CMR 4.01 through 4.03 and~~ b. The Supervisor is responsible for the content of all Reports prepared by an Associate under his or her supervision.

~~c. The Supervisor is responsible ensuring that all Reports prepared by a Associate under his or her supervision comply with the current Standards of Practice.~~

4.03: Duties/Work Requirements of Associate Home Inspector and Trainee

(1) A Trainee shall follow all of the state and federal laws, rules and regulations governing or related to the practice of ~~home inspections and~~ Home Inspection.

(2) An Associate Home Inspector and Trainee shall perform diligently and faithfully the work of Home Inspection and such duties as are assigned by his or her Supervisor.

(3) An Associate Home Inspector and Trainee shall perform the functions of an Associate Home Inspector in accordance with Board rules only under the supervision of a licensed Home Inspector.

(4) An Associate Home Inspector and Trainee shall treat all customers, coworkers and associates Clients and co-workers in a professional and courteous manner. He/she shall respect the property being inspected.

~~(3) A supervisor may supervise only one designated associate per inspection at any given time.~~

~~(4) Direct supervision. The supervisor is responsible for direct, on-site supervision of an associate applicant's first 25 home inspections. Such direct supervision shall include:~~

~~(a) the presence of the supervisor at the inspection site to which the Associate is assigned all of the time which the Associate works;~~

~~(b) actual oversight by the supervisor of all inspecting performed by the Associate;~~

~~(c) written approval by the supervisor of the results of all inspections performed by the Associate; and~~

~~(d) countersignature by the supervisor of all sales and other business related documents prepared by the associate.~~

~~(5) Indirect Supervision/ Written report~~

~~(a) A supervisor shall personally approve the progress of the Associate he or she is supervising and shall make a detailed written evaluation of the Associate periodically, but not less frequently than once every three months. Such report shall be maintained by the supervisor for at least until the associate is a fully licensed home inspector.~~

~~(b) The report shall list the specific inspections conducted and training and related technical instruction which the Associate has received during the three month reporting period.~~

~~(c) A supervisor shall sign the report under the penalties of perjury.~~

~~(6) A supervisor shall notify the Board of the completion or termination of all supervision programs.~~

REGULATORY AUTHORITY

~~M.G.L. c. 13, § 96, c.112, §§ 221-226.~~

(5) An Associate Home Inspector and Trainee are prohibited from signing a contractual home inspection agreement with a Client.

(6) An Associate Home Inspector and Trainee are prohibited from advertising as a Home Inspector and/or as home inspection firm, company, franchise, corporation and or business.

(7) An Associate Home Inspector is responsible for maintaining copies of his/her written evaluations.

CMR 5.00: CONTINUING EDUCATION AND EDUCATIONAL TRAINING CREDITS

Section

5.01:— Continuing Education Requirements

~~(1) 5.02: Verification/Approval of Registrant's Continuing Education Activities~~

5.03: Verification/Approval of Provider Continuing Education Programs and Activities and Educational Training Credits

5.04: Educational Training Credits

5.05: Waivers of Continuing Education Requirements

5.06: Appeals on Continuing Education Matters

5.01: Continuing Education Requirements

- 1) Licensed Home Inspectors and Associate Home Inspectors are required, as a condition of license renewal, to complete a minimum of 24~~12~~ contact hours of continuing education activities per ~~continuing education period. A continuing education period~~ renewal cycle. A renewal cycle consists of the 24 months prior to each renewal date (For lapsed, expired, suspended, revoked or surrendered licenses, see 266 CMR 3.02 and 3.03).

~~(2) Instructors of courses, workshops, or seminars may be credited one contact hour for each continuing education hour of the activity taught by the instructor.~~

~~(3)~~

- 2) A Registrant whose license is issued during the 24-month cycle shall have his/her continuing education activities prorated on the basis of one contact hour per two (2) months from the date of issue to the date of renewal.

- 3) Only those continuing education activities which are completed during the ~~required continuing education period (24 months prior to each renewal date)~~ cycle will be acceptable as qualifying continuing education activities for that period.

- 4) At least four (4) hours of the required continuing education activities shall be dedicated to the 266 CMR regulations including the standards of practice and at least one (1) hour of continuing education activity shall be dedicated to professional ethics for each renewal cycle.

- 5) Instructors of courses, workshops, or seminars shall be credited one contact hour for each continuing education activity hour taught by the instructor.

- 6) All continuing education activities ~~other than Board approved continuing education programs~~ set forth in 266 CMR 5.0200 et seq. are subject to approval by the Board.

5.02: Verification/Approval of ~~Registrant's~~ Registrant's Continuing Education Activities

1. ~~(1) At the time of license renewal, each registrant~~ Registrant is required to submit to the Board a signed statement on a form provided by the Board attesting under the pains and penalty of perjury ~~to satisfaction of~~ that he/she has satisfied the continuing education requirements for that renewal period.

~~(2)~~

2. For each continuing education contact hour earned by participation in a continuing education program, a ~~registrant~~ the Registrant must be able to provide documentation of the following:

a) ~~(a) the~~ The title of the program or course;

~~(b) the~~

b) The number of hours spent in the program or course;

~~(c) the~~

- c) The name of the Board-recognized entity or the academic institution that sponsored the program or course; and
(d) the.

The date(s) and location that the program or course was given.

- d) (3) For each continuing education activity hour earned by the teaching of courses, workshops, or seminars, the registrant must be able to document the following information: were given.

(a) the title of the course;

(b) date(s) the course was presented or participated in;

(c) institution or sponsoring agency; and

(d) the number of hours the registrant spent teaching or participating in the course.

(4) The Board may review and/or randomly audit

3. The Board may audit a Registrant's compliance with the Board's continuing education requirement. Upon request of the Board, a Registrant must provide the documentation of any registrant's continuing education requirements and may request the documentation described set forth in 266 CMR 5.02(1) through (4) for two prior licensure renewal/continuing education periods. ~~The Board shall determine whether the activity/program documentation submitted meets all criteria for continuing education as specified in 266 CMR 5.00.~~

←

5.02: Verification/Approval of Registrant's Continuing Education Activities continued:

4. Continuing education activities, which do not meet the requirements of 266 CMR 5.00, may be rejected in part or in whole by the Board.

(6)

5. Any incomplete or inaccurate documentation of continuing education may be rejected in part or in whole by the Board.

(7)

6. The Board may ~~determine requirements to be fulfilled in order to allow~~ require a ~~registrant~~ Registrant who has not met the continuing education requirement to ~~renew~~ appear before the Board, take an examination, complete additional continuing education or practice under supervision prior to renewing his/her license.

(8)

7. Failure to complete or provide required documentation of completion of continuing education requirements may result in non-renewal of a license or disciplinary action.

5.03: Verification/Approval of Provider Continuing Education Programs and Activities and Educational Training Credits

5.03: Verification/Approval of Provider Continuing Education Programs and Activities

(1) For a program to be eligible for approval for continuing education hours, the course content shall directly relate to the practice of home inspecting or home construction and the educational objectives shall exceed a basic level of knowledge as it relates to the inspection of homes. The course work shall include the following subjects:

(a) procedures and practices in home inspecting;

(b) technical aspects of home construction;

(c) plumbing, electrical, and building code interpretation, enforcement and review;

(d) federal and state statutes, regulations and rules;

(e) business related and business law related courses.

(2) The Board may approve continuing education course work that complies with 266 CMR 5.03(1) if the organization providing the course work submits to the Board the following information 90 days prior to commencement of the course:

(a) name

a) The Board may recognize, as approved continuing education credits or educational training credits, coursework from schools approved by the Massachusetts Department of Education without the necessity of the a representative of the school or institution submitting an application, appearing before the Board, submitting the course curriculum and/or the instructors name and vitae. The course content must directly relate to the science of home inspecting, home construction, structural analysis and design. Further, the Board may accept the number of credit hours indicated on the certificate¹ provided by the school, to the named individual.

b) The Board shall recognize, as approved continuing education credits or educational training credits, coursework from societies and trainers (including unions) approved by the Boards of Registration of Architects, Engineers, Plumbers and Gas Fitters, Home Inspectors, Sanitarians and

¹ For example, a three hour credit course from a recognized college and or university, that meets three times a week (3 hours per week) for fifteen weeks with be credited 45 hours continuing education credit; a four hour credit course meeting four time per week (4 hours per week) will be credited with 60 hours continuing education credit.

the Board of State Examiners of Electricians without the necessity of the Provider submitting an application, appearing before the Board, and submitting the course curriculum and/or the instructors name and vitae. Further, the Board shall accept the number of credit hours indicated on the certificate, provided by the society and or trainers, to the named individual, as continuing education credits.

- c) The Board may recognize as approved continuing education credits or educational training credits all training facilities approved by the political subdivisions of the Commonwealth of Massachusetts without application, appearance before the Board, submission of the course curriculum and or the instructors name and vitae. Further, the Board shall accept the number of credit hours indicated on the certificate, provided by the facility and or trainers, to the named individual, as continuing education credits.

5.03: Verification/Approval of Provider Continuing Education Programs and Activities Continued:

d) Any person may be approved as an Educational Provider. The applicant must:

- a. Appear before the Board.
- b. Submit an application on a form approved by the Board.
- c. Submit Course information as described in Section A below.
- c. Be approved by the Board.

A. Responsibilities of the individual Provider:

a. Submit the course information including:

- i. Name, date, and location of continuing education course work;
~~(b) detailed.~~
- ii. Detailed description of the course content;
~~(e) description.~~
- iii. Description of the educational objectives;
~~(d) description.~~
- iv. Description of each ~~instructor's~~ instructor's education, training, and experience background; and
~~(e) continuing.~~

v. Continuing education hours offered for completing the course.

- b. Take attendance prior to and at the end of the seminar or course and maintain a record of those in attendance for the current licensing cycle. Issue a certificate of attendance which includes at minimum The provider title of the program or course, the number of hours spent in the program or course, the name of the Board recognized entity or the academic institution that sponsored the program or course, the date(s) and location that the program, course, workshops, or seminar was given.

- c. The Provider shall report any change in the course content or instructor to the Board prior to commencement of the course.

~~(4) The Board shall~~

For a program to be eligible for approval for continuing education hours the course content shall directly relate to the practice of home inspecting, technical aspects of construction, structural analysis and design and the educational objectives shall exceed a basic level of knowledge as it relates to the inspection of homes. The course work must include discussion of at least one of the following subjects relating to the science of home inspection:

- a. Procedures and practices in home inspecting.
- b. Technical aspects of home construction.
- c. Plumbing, electrical, heating, building code interpretation, enforcement and review, structural and architectural subjects.
- d. Federal and state statutes, regulations and rules.
- e. Business-related and business-law related courses including ethics.
- f. Technical report writing.
- g. Environmental Hazards.

No continuing education course shall be approved for more than six hours during one calendar day. However, if the course, seminar, etc. is broken down into daily segments of six, or less than six, hours, the Board may approve the course in its entirety.

Educational courses may, at the discretion of the Board, be approved retroactively.

The Board may revoke the approval of any continuing education course work for failure of the ~~provider~~ Provider to comply with the provisions of this section.

~~5.04: Waivers of Continuing Education Requirements~~

- ~~(1) The Board may waive the continuing education requirement for any registrant who, for reasons of health, disability, out of state military service, or undue hardship, cannot meet the requirements.~~
- ~~(2) An application for a waiver shall be submitted to the Board on a form provided by the Board.~~
- ~~(3) Waivers of continuing education requirements shall be effective for no more than one year, beginning the day after the license expires.~~
- ~~(4) After expiration of a waiver, a registrant may apply for up to two more consecutive waivers.~~
- ~~(5) If a temporary waiver is granted, the registrant shall comply with all continuing education requirements for all subsequent renewal periods, after such time that the waiver expires unless a subsequent waiver is granted.~~

5.04: Educational Training Credits

(1) For a program to be eligible for approval for educational training credit hours the course content shall directly relate to the practice of home inspecting, technical aspects of construction, structural analysis and design and the educational objectives shall meet a basic level of knowledge as it relates to the inspection of homes. The course work must include discussion of at least one of the following subjects relating to the science of home inspection:

- h. Procedures and practices in home inspecting.
- i. Technical aspects of home construction.
- j. Plumbing, electrical, heating, building code interpretation, enforcement and review, structural and architectural subjects.
- k. Federal and state statutes, regulations and rules.
- l. Business-related and business-law related courses including ethics.
- m. Technical report writing.
- n. Environmental Hazards

(2) Coursework approved for continuing education hours may be used to satisfy the educational training credit requirement.

(3) No educational training credit course shall be approved for more than six (6) hours per one calendar day. However, if the course, seminar, etc. is broken down into daily segments of six, or less than six, hours, the Board may approve the course in its entirety.

(4) Educational training credit courses may, at the discretion of the Board, be approved retroactively.

(5) The Board may revoke the approval of any course work for failure of the Provider to comply with the provisions of this section.

5.05: Waivers of Continuing Education Requirements

(1) The Board may waive the continuing education requirement for any Registrant who, for reasons of health, disability, out of state military service, or undue hardship, cannot meet the requirements.

(2) An application for a waiver shall be submitted to the Board on a form provided by the Board.

(3) Waivers of continuing education credit requirements shall be effective for no more than one year, beginning the day after the license expires.

(4) A Registrant may apply for three consecutive waivers.

5.06: Appeals on Continuing Education Matters

Any individual who wishes to appeal the decision of the Board regarding a continuing education matter~~s~~ must submit a letter of appeal to the Board within 21 days of the receipt of the ~~Board's~~ **Board's** decision. The applicant must supply the Board with any requested additional data and may be asked to appear before the Board. The Board reserves the right, upon request of ~~registrant~~ **Registrant**, to allow the ~~applicant~~ **Registrant** to practice home inspecting during the ~~Board's~~ **Board's** appeals **Board's appeal** process.

REGULATORY AUTHORITY

~~M.G.L. c. 13, § 96, c.112, §§ 221-225.~~

266 CMR 6.00:—STANDARDS OF PRACTICE

Section

6.01: Access, Purpose and Scope

6.02: System: Roofing

6.03: System: Exterior

6.04: System: Structural Components Exposed in the Basement, Under Floor Crawl Space and Attic; Including Signs of Water Penetration

6.05: System: Electrical

6.06: System: Plumbing

6.07: System: Heating

6.08: System: Central Air Conditioning

6.09: System: General Interior Conditions

6.10: System: Insulation and Ventilation

6.11: General Limitations and Exclusion

6.12: Prohibitions

STANDARDS OF PRACTICE

~~A registered professional home inspector practicing in the commonwealth of Massachusetts shall carry out his inspection and issue his report in accordance with 266 CMR 1.00-11.00~~

A registered professional Home Inspector and/or Associate Home Inspector practicing in the Commonwealth of Massachusetts shall carry out his/her Inspection and issue his/her Report in accordance with 266 CMR 6.00 *et seq.*

6.01: Access, Purpose, and Scope

(1) ~~Access~~: The ~~client~~ Client shall provide ~~safe access~~ Safe Access and ~~sufficient lighting~~ Sufficient Lighting to the area(s) ensure that all Systems and Components and areas to be inspected under this standard are Readily Accessible and Observable.

(2) Purpose and scope of ~~the home inspection~~ a Home Inspection of a Residential Building, including an attached garage, performed to the standards of 266 CMR 6.1.00 —11 through 6.13.00 shall: ~~Provide the client,~~ is to provide the Client with a ~~better understanding of the property~~ Report that forthrightly discloses physical conditions of the Systems and Components listed in this Section that are Readily Accessible and Observable, including those Systems and Components which are potential Safety Hazards, as ~~observed~~ Observed at the time of the ~~inspection~~ Inspection. However, ~~it shall be understood that and inspection~~ an Inspection carried out under the standards of 266 CMR 6.1.00—11 through 6.13.00 is not and shall not be construed to be a comprehensive Architectural and or an Engineering study of the ~~dwelling~~ Dwelling in question.

(3) Inspectors shall:

- a. ~~(a) Use a written contract~~ Contract and provide ~~only the client~~ Client with an original ~~copy of the contract.~~
- ~~(b) Observe readily accessible Installed systems and components listed in 266 CMR 1.00-11.00.~~
- ~~(c) Contract.~~
- b. Observe Readily Accessible and Observable installed Systems and Components as specified in 266 CMR 6.1.00 through 6.12.00.
- c. Submit a confidential written report only Report to the ~~client~~ Client, which shall:
 - aa. Describe those components Components specified to be ~~described~~ Described in 266 CMR 6.1.00—11 through 6.12.00 Standards;

- bb. Indicate which ~~systems and components~~ Systems and Components designated for inspection in 266 CMR ~~6.1.00-11.00~~ through 6.12.00 have not been inspected;
3.

Indicate ~~any systems and components~~ the condition of Systems and Components so inspected including those, which were found to be in need of repair

~~(4) (a) The inspector shall notify his/her client that answers to the following questions should be ascertained from the seller and are relevant to the purchase of a house and may not be readily observable through inspection:~~

- cc. ~~(1) History of water penetration in basement and/or crawl space.
(2) If the dwelling is on a public or private sewage system.
(3) If the dwelling has been tested for radon gas.
(4) If the dwelling has been inspected for insect infestation.
(5) (a) If the dwelling has been previously inspected by a home inspector and (b) if the seller is willing to disclose such report.
(6) If there is an underground storage tank on the property.~~ require additional investigation or pose a potential safety hazard.

~~(a) The home inspector shall not represent to the seller or buyer that there is any legal obligation, duty or requirement on behalf of the seller or to answer the questions set forth in 266 CMR 6.01 (4) unless otherwise required by law.~~

~~(b) A home inspector shall not be held responsible for the accuracy of third party information.~~

~~(5) Standards set forth 266 CMR 1.00-11.00 are not intended to limit Home Inspectors from:~~

- ~~a. Reporting observations and conditions in addition to those required by 266 CMR 6.00
a. Excluding systems and components from the inspection if requested by the client.
a. Regardless of any additional professional registration or license held by the home inspector, unless otherwise contractually agreed to with the client, the home inspection shall be conducted to the professional licensure standards of 266 CMR only.~~

~~6.02: System: Roofing~~

~~(1) The inspector shall observe the readily accessible:~~

- dd. Record the Client's name and the address of the property inspected.
ee. Record the on-site Inspection start and finish times.
ff. Record the weather conditions at the time of the Inspection.

6.01: Access, Purpose, and Scope continued:

- gg. Record the existence of obstructions and/or conditions that interfered with or prevented the inspection of the installed Systems and Components.
- hh. Embed in the report and or attach to the report the list of itemized questions in section 6.01.6.

(4) Every registered professional Home Inspector may have a seal of the design shown below authorized by the Board. All reports prepared by a registered Home Inspector, or under his/her supervision must be stamped with the impression of such seal or bear the name and license number of the Inspector in a legible manner. A registered Home Inspector only impress his/her seal on and/or sign his/her name and license number to a Report if his certificate of registration is current and if he/she was the author of such Report or supervised the person who prepared the Report.



(5) The Report shall inform the Client if additional investigation is required only when:

- a. The scope of the repair(s) is unknown.
- b. There are Readily Observable signs of, and a reasonable basis to believe, that concealed damage exists in the System or Component inspected.
- c. The subject area is beyond the scope of the Home Inspector's expertise.

(6) The Home Inspector shall notify his/her Client that answers to the following questions should be ascertained from the Seller and/or the Seller's Representative and are important and relevant to the purchase of a house and may not be Readily Observable through an Inspection: The Inspector shall have been deemed to satisfy this requirement by embedding and or attaching the listed questions to the Report.

To the best of your knowledge:

1. Does the Dwelling have a history of seepage, dampness, and or water penetration into the Basement and or Under Floor Crawl Space, if so please explain? Has a sump pump ever been installed or used in the Basement/Under Floor Crawl Space? Do you use any type of dehumidification in any part of the Dwelling? In addition, are you aware of any mold and or air quality issues in the Dwelling?
2. Is the Dwelling on public or private sewage Systems? If the waste system is private, has a Title V inspection been completed and is the completed Title V report available for review?
3. Has the Dwelling ever been inspected and or treated for insect infestation, if so when and what were the chemicals used?
4. Are there any asbestos products in the Dwelling and/or on the property?
5. Has the Dwelling ever been tested for radon gas and/or lead paint, if so when and what were the results?
6. Has the Dwelling ever been inspected by a Home Inspector, if so when?
Is a copy of the Inspection Report available?
7. Are the Seller and or the Seller's Representative aware of any structural, mechanical, electrical, or other material defect(s) that may exist on the property?
8. Has there ever been a fire in the Dwelling, if so when and what areas were involved, what chemical cleaners, if any were used for cleanup?
9. Has there ever been a hazardous waste spill on the property?
10. Is there is an underground storage tank on the property?

6.01: Access, Purpose, and Scope continued:

(7) The Inspector shall not represent to the Seller or Client that there is any legal obligation, duty or requirement on behalf of the Seller or Seller's Representative to answer the questions set forth in 266 CMR 6.01(6).

(8) The Inspector shall not be held liable for the accuracy of third-party information.

(9) The Home Inspection shall be conducted to the professional licensure standards of 266 CMR 6.1.00 through 6.13.00 regardless of any additional professional registration or license held by the Inspector. Nothing in 266 CMR 6.00 *et seq.* is intended to limit Inspectors from:

- a. Reporting observations and conditions in addition to those required in 266 CMR 6.1.00 through 6.13.00.
- b. Excluding Systems and Components from the inspection if requested by the Client and the exclusion is noted in the Report.
- c. Providing additional services at the time of the inspection so long as the services are separately contacted for in writing or noted in the body of the Report and are not prohibited by these standards.

6.02: System: Roofing

(1) The Inspector shall Observe the Readily Accessible and Observable:

- 1.a. Roof coverings.
- 2.b. Exposed roof drainage systems:
- 3.c. Flashings.
- 4.d. Skylights, chimneys, and roof penetrations.
- 5.e. Signs of leaks on building components **Components.**

(2) The Inspector shall:

- ~~(a) Report the methods used to observe the roofing.~~
- ~~(b) Describe the type of roof covering materials (Asphalt, , slate, metal and or tile shingles; built up type (Bald asphalt, tar and gravel, mineral covered rolled roofing, ballasted rubber membrane, adhered membrane, other)~~
- ~~(c) Report on the condition of the roof, exposed roof drainage systems, exposed flashings, skylights, exterior of chimneys, roof penetrations and any signs of previous leaks.:~~
Asphalt, Cementious, Slate, Metal, and or Tile Shingles. Built-up type (Bald Asphalt, Tar and Gravel, Mineral Covered Rolled Roofing, Ballasted Rubber Membrane, Adhered Membrane, Mechanically Fastened Membrane, Other.
Describe the roof drainage system:
Gutters (Aluminum, Copper, Wood, Vinyl, Other)
Leaders/Downspouts (Aluminum, Copper, Galvanized, Vinyl, Other)
Describe the chimney materials:
Brick, Concrete Block, Metal, Other

(3) The Inspector ~~is not required to~~ shall report:

- ~~(a) Walk on the roofing unless the client provides safe access and the seller and or the seller's representative provide authorization that relives the Inspector of all responsibility of possible damage to the roof.~~
- ~~(b) Observe attached accessories including but not limited to solar systems, antennae, and lightning arrestors.~~
- ~~(c) Inspect the interior of chimney flues.~~

6.03 System: Exterior

(1) The Inspector shall observe the readily accessible:

- (a) Wall cladding, flashings and trim.
- (b) Entryway doors and windows.
- (c) Garage door operators.
- (d) Decks, balconies, stoops, steps, areaways, and porches including railings.
- (e) Eaves, soffits, fascias and corner boards.
- (f) Vegetation, grading, drainage, driveways, walkways and retaining walls with respect to their effect on the condition of the building.

(2) The Inspector shall:

- (a) Describe wall cladding materials (cementitious siding, asphalt, wood shingles, Aluminum and or vinyl siding, wood clapboards, other) and report on the condition of the exposed wall cladding.
- (b) Report the condition of decks, balconies, stoops, steps, areaways, and porches including railings.
- (c) Report the condition of eaves, soffits, fascias and corner boards.
- (d) Operate all entryway doors and representative number of windows including garage doors, manually or by using permanently installed controls of any garage door operator.
- (e) Report whether or not any garage door operator will automatically reverse or stop when meeting reasonable resistance during closing.
- (f) Report on slope of earth as it impacts the structure.

(3) The Inspector is not required to observe:

- (a) Storm windows, storm doors, screening, shutters, awnings and similar seasonal accessories.
- (b) Fences, landscaping, trees, swimming pools, patios, sprinkler systems.
- (c) Safety glazing.
- (d) Garage door operator remote control transmitters.
- (e) Geological conditions (Engineering services).
- (f) Soil conditions (Engineering services).
- (g) Recreational facilities.
- (h) Outbuildings and detached garages.
- (i) Underground utilities, pipes, buried wires, or conduit.

6.04 System: Structural Components:

(1) The inspector shall observe the following exposed readily accessible structural components including:

- (a) The exposed portions of the foundation.
- (b) The exposed portions of the basement floor.
- (c) The exposed portions of the superstructure floor system (girders, sills, floor joists, headers and bridging).
- (d) The exposed portions of the columns.
- (e) The exposed portions of the roof framing (rafters, collar ties, trusses, beams and sheathing materials).

(2) The inspector shall report on the following exposed readily accessible structural components including:

- (a) The type of foundation materials and the condition of the exposed components (brick, concrete block, concrete, stone, wood, other).
- (b) The type of basement floor system and the condition of the exposed components (concrete, earth, wood, other).
- (c) The type of superstructure floor system and the condition of the exposed components (girders, sills, floor joists and bridging)
- (d) The type of columns and condition (brick, concrete block, concrete, steel, wood)
- (e) Roof structure (rafters, collar ties, trusses, beams) roof sheathing (boards, plywood, oriented strand board, other).

(3) The inspector shall:

- (a) Probe exposed readily accessible structural components where deterioration is suspected. However, probing is NOT required when probing would damage any finished surface.
- (b) Enter readily accessible under floor crawl spaces and attic spaces only after safe access is provided by the owner and/or client except when access is obstructed, when entry could damage the property, or when dangerous or adverse situations are suspected by the inspector.
- (c) Report the methods used to observe under floor crawl spaces and attics.
- (d) Report signs of previous water penetration into the building.

- a. The methods used to Observe the roofing.
- b. Any signs of previous and or active leaks.
- c. The condition and recommend repair (if needed) on the following exposed Readily Accessible and Observable roofing Components including: the roof covering, exposed roof drainage systems, exposed flashings, skylights, exterior of chimney(s), roof penetrations.

(4) The Inspector shall not be required to:

- (a) Collect engineering data on the size, span, spacing, species, section modulus, slenderness ratio and/or modulus of elasticity of the structural members.
- (b) Inspect for insect infestation.
- (c) Remove covering and/or finish materials to gain access to the items being inspected.

- a. Walk on the roof unless the Client provides Safe Access and the Seller and/or Seller's Representative provides authorization that relieves the Inspector of all responsibility of possible damage to the roof.
- b. Observe attached accessories including but not limited to solar systems, antennae, satellite dishes and lightning arrestors.
- c. Inspect the interior of chimney flues.

6.03: System: Exterior

(1) The Inspector shall Observe the Readily Accessible and Observable:

- a. Wall cladding.
- b. Windows.
- c. Entryway doors.
- d. Garage door operators.
- e. Decks, balconies, stoops/landings, steps, areaways/window wells, and porches including hand and guard railings.
- f. Exposed trim (eaves, soffits, fascias, rake, corner, and other trim boards).
- g. Flashings
- h. Driveways, walkways, vegetation, grading, site drainage, and retaining walls.
- i. Probe exposed Readily Accessible and Observable exterior Components where deterioration is suspected: However, probing is **NOT** required when probing would unduly damage any finished surface.

(2) The Inspector shall Describe:

Wall-cladding materials (Cementitious Siding, Asphalt And Or Wood Shingles, Aluminum And Or Vinyl Siding, Wood Clapboards, Brick, Other).

The deck/porch Component materials:
(Brick, Concrete, Concrete Block, Steel, Wood, Other)

(3) The Inspector shall report the condition and recommend repair (if needed) on the following exposed Readily Accessible and Observable exterior Components including:

- a. Wall cladding.
- b. Entryway doors
- c. Windows.
- d. Deck/porches, balconies, stoops/landings, steps, areaways/window wells, including hand and guard railings.
- e. The exposed trim.
- f. Flashings.
- g. Driveways, walkways, and retaining walls with respect to there effect on the condition of the dwelling and there ability to provide safe egress.
- h. Vegetation, grading, site drainage with respect to their effect on the condition of the dwelling.

(4) The Inspector shall:

- a. Operate all entryway doors and representative number of windows and report their condition and need of repair, if any.
- b. Operate garage doors (if the garage is attached to the main dwelling), manually or by using permanently installed controls of any garage door operator.
 - c. Report whether or not any garage door operator will automatically reverse or stop when meeting resistance during closing.

6.03: System: Exterior Continued:

(5) The Inspector shall not be required to Observe:

- a. Storm doors and windows, screening, shutters, awnings and similar seasonal accessories.
- b. Fences, landscaping, trees, swimming pools, patios, sprinkler systems.
- c. Safety glazing.
- d. Geological conditions (Engineering services).
- e. Soil conditions (Engineering services).
- f. Recreational facilities.
- g. Outbuildings and detached garages. However, should the Inspector include the inspection of an outbuilding by agreement or as a courtesy, the Inspection must comply with the standards of 266 CMR 6.1.00 through 6.12.00.
- h. Under ground utilities, pipes, buried wires, or conduits (Dig Safe)

6.04: System: Structural Components Exposed in the Basement, Under Floor Crawl Space and Attic Space; Including Signs Of Water Penetration

A. Basement/Under Floor Crawl Space:

(1) The Inspector shall Observe the following exposed Readily Accessible and Observable Basement/Under Floor Crawl Space structural Components including:

- a. The exposed portions of the foundation.
- b. The exposed portions of the Basement floor.
- c. The exposed portions of the superstructure system (girders, sills, floor joists, headers, and sub-floor).
- d. The exposed portions of the columns and posts.

(2) The Inspector shall Describe:

- a. The type of exposed foundation materials (brick, concrete block, concrete, stone, wood, other).
- b. The type of exposed floor system (concrete, earth, wood, other).
- c. The type of exposed superstructure system (girder(s), sills, floor joists, and sub-floor).
- d. The type of exposed columns and posts (brick, concrete block, concrete, steel, wood, other).
- e. The Inspector shall note on the Report any obstructions that prevented him/her from inspecting the items noted above.

(3) The Inspector shall Report On condition and recommend repair (if needed) on the following exposed Readily Accessible and Observable structural Components including:

- a. The foundation.
- b. The floor system.
- c. The superstructure system.
- d. The columns and posts

(4) The Inspector shall:

Probe exposed Readily Accessible and Observable structural Components where deterioration is suspected: However, probing is **NOT** required when probing would unduly damage any finished surface.

6.04: System: Structural Components Exposed in the Basement, Under Floor Crawl Space and Attic Space, Including Signs Of Water Penetration Continued:

(5) The Inspector shall not be required to:

- a. Collect engineering data such as the size, span, spacing, species, section modulus, slenderness ratio and or modulus of elasticity of the structural members.
- b. Inspect for wood destroying insects, rodents and or vermin unless specifically contracted for in writing. (Independent Pest Control/Extermination Service).
- c. Provide access to the items being inspected (Responsibility of Client/Seller/Seller's Representative).

B: Under Floor Crawl Space:

(1) An Inspector shall enter Readily Accessible Under Floor Crawl Space only after the Seller or Seller's Representative provides Safe Access as determined by the Inspector. An Inspector is not required to enter Under Floor Crawl Space if access is obstructed, if entry could damage the property, or when a Dangerous or Adverse Situation is suspected and reported by the Inspector.

(2) Report the method used to Observe the Under Floor Crawl Space

(3) The Inspector shall note obstructions, unsafe access and Dangerous or Adverse situations that prevented him or her from inspecting the items noted above.

6.04: System: Structural Components Exposed in the Basement, Under Floor Crawl Space and Attic Space, Including Signs Of Water Penetration Continued:

WATER PENETRATION:

The Inspector shall report signs of previous and or active water penetration into the Basement, Under Floor Crawl Space and attic including the presence of sump pumps and dehumidifiers.

(1) The Inspector shall not be required to activate the sump pump(s) and or dehumidifier(s).

C: Attic Space:

1. An Inspector shall enter Readily Accessible Attic Space only after the Seller or Seller's Representative or Client provides Safe Access as determined by the Inspector. An Inspector is not required to enter an Attic Space, if it is not Readily Accessible, if access is obstructed, if entry could damage the property, or when a Dangerous or Adverse Situation is suspected and reported by the Inspector.
2. The Inspector shall Observe the following exposed Readily Accessible and Observable roof framing structural Components including:
 - a. The exposed portions of the roof framing, including the roof sheathing.
3. The Inspector shall:
 - a. Probe exposed Readily Accessible and Observable structural Components where deterioration is suspected: However, probing is **NOT** required when probing would unduly damage any finished surface.
4. The Inspector shall Describe the roof framing system and the roof sheathing:
 - a. Framing: Rafters, Collar Ties, Tie Beams, Trusses, Other
 - b. Roof Sheathing: Boards, Oriented Strand Board, Plywood, Other.
5. The Inspector shall report:
 - a. The methods used to Observe attics (through a hatch or while standing in the attic space).
 - b. The presence and or lack of flooring, obstructions, unsafe access, and dangerous or adverse situations that prevented him/her from inspecting the items noted above.
 - c. The condition and recommend repair (if needed) on the following exposed Readily Accessible and Observable structural Components of the roof framing:
 - The roof framing (Rafters, Collar Ties, Rafter Ties, Trusses, Beams, Other)
 - Sheathing Materials (Boards, Oriented Strand Board, Plywood, Other).
 - d. The presence of a light.

6.04: System: Structural Components Exposed in the Basement, Under Floor Crawl Space and Attic Space, Including Signs Of Water Penetration Continued:

6. The Inspector shall not be required to:
 - a. Walk on the exposed and or insulation covered framing members.
 - b. Collect engineering data such as the size, span, spacing, species, section modulus, slenderness ratio and or modulus of elasticity of the structural members.
 - c. Inspect for wood destroying insects, rodents and or vermin unless specifically contracted for in writing. (Independent Pest Control/Extermination Service).
 - d. Provide access to the items being inspected.

6.05 System: Electrical

(1) The Inspector shall ~~observe~~ Observe the Readily Accessible and Observable:

- a. ~~(a) The exterior of the exposed service entrance conductors.~~
~~(b) Readily accessible~~
- b. Service equipment, grounding ~~equipment~~ system, main over-current device, the interior of the main and subpanels by removing the service and distribution ~~panels.~~
~~(c) Amperage and panel covers).~~ However, the Inspector is not required to remove the covers if the panel covers are not Readily Accessible and or removal would present a Dangerous or Adverse Situation, if removal would damage, mar any painted surface and/or covering materials (however, it shall be the Inspector's responsibility to document the reason for not removing the panel covers in the Report).
- c. Ampacity and nominal voltage ratings of the service.
~~(d)~~
- d. The exterior of the ~~readily accessible~~ exposed branch circuit conductors, their over-current devices, and the compatibility of their ampacities and voltages.
~~(e)~~
- e. The operation of a representative number of permanently installed lighting fixtures, switches and receptacles located inside the ~~house, garage~~ Dwelling, and ~~on its exterior walls.~~
~~(f) The polarity and grounding of all three-prong receptacles within six feet of interior plumbing fixtures and all readily accessible receptacles.~~
- f. The number of branch circuits in the panel(s) and the number of overcurrent devices in the panel(s).
- g. Test the polarity and grounding of a representative sample of the three-prong receptacles through out the dwelling.
- h. Test the polarity and grounding of all un-dedicated bathroom and kitchen countertops receptacles.
- i. Check all bathroom and kitchen countertops receptacles to see if those receptacles are ground fault protected.
- j. Test the polarity and grounding all Readily Accessible non-dedicated receptacles in the attached garage and on the exterior of inspected structures.
~~(g) The~~ , further, check to see if they are ground fault protected.
- k. Test the operation of all Ground-Fault Circuit Interrupters.
- l. Test the operation of all arc fault protective devices.

(2) The Inspector shall ~~report on the following:~~ Report:

- ~~(a) The size and the voltage of the main service disconnect (30, 60, 100, 125, 150 and or 200 amp, other service, 120, 120/240, 120/208 volt system).~~
- ~~(b) Service entry conductor materials (copper and or aluminum, if aluminum are the tips coated with a corrosion inhibitor and is the over load device rated for the use of aluminum wire).~~
- ~~(c) Service type as being overhead or underground.~~
- ~~(d) The number of branch circuits in the panels.~~

- ~~(e) The type of branch circuit conductor materials (copper and or aluminum, if aluminum are the tips coated with a corrosion inhibitor and is the over load device rated for the use of aluminum wire).~~
- ~~(f) The compatibility of the overload protective devices and the size of the protected conductor.~~
- ~~(g) The type of branch circuit wiring (BX, conduit, Romex, knob and tube, wire mold, other).~~
- ~~(h) If there is ground fault protection provided.~~
- ~~(i) If the system is grounded.~~

- a. The service as being overhead or underground, cable, encased in conduit, other.
- b. The type of service, feeder, and branch-circuit conductor materials (copper, copper-cladded aluminum, aluminum, other).
- c. The type of Interior Wiring (Armored Cable, Conduit, Tubing, Nonmetallic Cable, Knob and Tube, Flat Cable Assemblies, Other).
- d. The location of the service and subpanels and indicate whether they are Readily Accessible and Observable.

6. 05 ELECTRICAL SYSTEMS CONTINUED:

(3) The Inspector ~~is not required to:~~ shall Report

- d. ~~(a) Collect engineering data on the compatibility of the disconnects and individual circuit breakers with the panel and or determine the short circuit interrupting current capacity. (Engineering services).~~
~~(b) Determine and or report on~~ The ampacity and the voltage of the main service disconnect (30, 60, 100, 125, 150 and or 200 amp, other service, 120, 120/240, 120/208-volt system).
- e. The number of branch circuits in the panel(s) and the number of overcurrent devices in the panel(s) (Main disconnect is not to be counted).
- f. Report any of the overcurrent devices that are in the off position.

The Inspector shall report the condition and recommend repair (if needed) on the following:

- a. The electrical service.
- b. The presence of aluminum wiring and report if the exposed and Readily Accessible and Observable conductor terminations are properly coated with a termination compound and if the overcurrent devices are identified for use with aluminum wire.
- c. All undedicated exterior electrical receptacles and test for polarity, grounding, and ground fault protection issues (if any).
- d. If the electrical system is attached to both the city and dwelling side of the water piping and or a ground rod.
- e. If the water piping is not bonded to the electrical system within the first five feet of its entry into the Basement.
- f. On the neutral and equipment-ground terminal bars and if they are properly attached (bonded) to the panel enclosures.
- g. The compatibility of the overcurrent devices and the size of the protected conductor (Over-Fusing)².
- h. Report the functionality of ground-fault and arc fault protected receptacles, if any, as determined by the required testing. Report the existence, absences and function of ground fault protection devices on all bathroom, kitchen countertop, exterior, laundry and undedicated attached garage receptacles.
- i. Report On any polarity or grounding issues of the receptacles tested.
- j. The exposed and Readily Accessible and Observable interior wiring.
- k. Note on the Report all conditions that prevented him/her from inspecting any of the items noted above.

² Any overcurrent device exceeding the rated current ampacity of the conductor(s) being protected by the device.

6. 05 ELECTRICAL SYSTEMS CONTINUED:

(3) The Inspector shall not be required to:

- a. Collect engineering data on the compatibility of the overcurrent devices with the panel and or determine the short circuit interrupting current capacity. (Engineering services).
- b. Determine and or Report On the adequacy of the ground and or the in place ~~systems~~ Systems to provide sufficient power to the dwelling, or reflect on the sufficiency of the electric distribution system in the ~~dwelling~~ Dwelling (Engineering services); ~~(e) /Electrical Services).~~
- c. Insert any tool, probe, or testing device inside the panels.
~~(d)~~
- d. Test or operate any over-current device except Ground ~~-~~ Fault Circuit Interrupters; ~~(e) -~~ and Arc Fault Interrupters.
- e. Dismantle any electrical device or control other than to remove the covers of the main and sub-distribution panels, if readily accessible and not . However, the Inspector is not required to remove the covers of the main and subpanels if the panel covers are not Readily Accessible. When there are Dangerous or Adverse Situations, or when removal would damage, mar any painted in place.
~~(f) Observe surface and or covering materials (however, it shall be the Inspectors' responsibility to document the reason for not removing the panel covers in the inspection report on).~~
- f. Observe and Report On:

~~1. —~~ 1. The quality of the conductor insulation. ~~(Electrical Services).~~

~~Test for Electro-Magnetic fields. (Electrical Services).~~

2. Test for Electro-Magnetic fields. (Electrical Services).

3. Low voltage systems, door bells, such as doorbells, thermostats.

4. Smoke and carbon monoxide detectors (Seller's responsibility).

5. Telephone, security alarms, cable TV, intercoms, or other ancillary wiring that is —not a part of the primary electrical distribution system.

6. Underground utilities, pipes, buried wires, or conduits (Dig Safe)

6.06: System: Plumbing

(

- 1.) The ~~inspector~~ Inspector shall ~~observe~~ Observe:
 - (a) The exposed ~~readily accessible~~ Readily Accessible and Observable interior water supply and distribution system including:
 1. Piping materials, including supports and insulation.
 2. Fixtures and faucets.
 3. Functional Flow.
 4. Leaks.
 5. Cross Connections.
 - (b) The exposed ~~readily accessible~~ Readily Accessible and Observable exterior and interior drain, waste and vent system, including:
 1. Traps; drain, waste, and vent piping; piping supports and pipe insulation.
 2. Leaks.
 3. Functional Drainage.
 - (c) Hot water systems including:
 1. Water heating equipment.
 2. Normal Operating Controls.
 3. The presence of Automatic Safety Controls.
 4. The exterior of the chimneys, thimbles and vents.

(d) Sump pump.

(2) The inspector shall:

(a) Report on:

The type of water supply and distribution piping materials (brass, copper, steel, lead, plastic, other).

2. The ~~types~~ Inspector shall Describe:
 - a. The type(s) and condition of water distribution piping materials (Brass, Copper, Steel, Lead, Plastic, Other).
 - b. The type(s) and condition of drain, waste, and vent piping materials (~~brass, copper, cast iron, lead, plastic, steel, other~~)
 3. Brass, Copper, Cast Iron, Galvanized, Lead, Plastic, Steel, Other).

2. — The type of water heating equipment, ~~flue pipe and~~ (Gas, Electric, Oil, Tankless, Solar, Other),
the nameplate capacity (~~gas, electric, oil, tankless, solar, other~~).

(b) Operate all plumbing fixtures, including their faucets and all exterior faucets attached to the house if readily accessible.

(3) The inspector is not required to:

c. (a) Collect engineering data on the size of the plumbing of the water heating equipment,
the size or length of water and or waste systems and or remove covering materials
(engineering services). (gallons and or gallons per minute).

(b) Report on the adequacy and or the efficiency of the in place systems to provide sufficient hot water to
the dwelling, sufficient water supply or drainage for the dwelling (engineering services).

(c) State the effectiveness of anti siphon devices (Engineering services).

(d) Determine whether water supply and waste disposal systems are public or private (owner's
responsibility).

(e) Operate automatic safety controls.

(f) Operate any valve except readily accessible water closet flush valves, fixture faucets, and hose faucets.

(g) Observe or report on:

1. Water conditioning systems.

2. Fire and lawn sprinkler systems.

3. On site or public water supply quantity and quality.

4. On site or public waste disposal systems (Title V Inspection).

5. Foundation sub drainage systems.

6. Spas, except as to functional flow and functional drainage.

7. The interior of flue linings. The Inspector shall Report On the condition and recommend repair (if
needed):

6.07—System: Heating

(1) The inspector shall observe permanently installed exposed readily accessible heating systems including:

(a) Heating equipment.

(b) Normal operating controls.

(c) Automatic safety controls.

(d) The exterior of the chimneys and vents.

(e) Solid fuel heating devices.

(f) Heating distribution systems including fans, pumps, ducts and piping, with supports, dampers,
insulation, air filters, registers, radiators, fan coil units, convectors.

(g) The presence of an installed heat source in each room.

(2) The inspector shall:

(a) Report on:

3. ~~_____ The type of energy source (coal, electric, gas, and oil, wood, other).~~
4. ~~_____ The type of heating equipment (electric, hot air, hot water, steam, other).~~
5. ~~_____ The type of distribution system (piping: black iron, copper, and other. Duct work aluminum, fiberglass, steel, other).~~

~~(b) If possible, have the owner and/or the owner's representative operate the system using normal operating controls. If not possible for owner or owner's representative to operate system, home inspector shall operate system using normal operating controls and report on conditions.~~

~~(c) Open readily accessible and operable access panels provided by the manufacturer or installer for routine homeowner maintenance.~~

~~(3) The inspector is not required to:~~

- a. ~~(a) Test and or inspect the heat exchanger (requires the equipment to be dismantled).~~
- ~~(b) Collect engineering data on the size of the heating equipment, the size or length of the distribution systems. (engineering services)~~
- ~~(c) Report on the adequacy of the in-place system(s) to heat the dwelling (engineering)~~The location of the main shut off valve.
- d. The water heater.
- e. The existence of a pressure/temperature valve and vacuum relief valve.
- f. The exposed flue piping and the existence of thimbles in the chimney.
- g. The existence of Cross Connections if Readily Accessible and Observable.
- h. The Readily Accessible and Observable waste and water distribution systems.
- i. The existence of any visible leaks.
- j. The operation of all plumbing fixtures where practical, including their faucets if Readily Accessible.
- k. Note all conditions that prevented him/her from inspecting any of the items noted above

6.06 PLUMBING SYSTEM CONTINUED:

3. The Inspector shall not be required to:

- a. Test the operation of any valve except Readily Accessible water closet flush valves and fixture faucets.
- b. Collect engineering data on the size of or length of water and or waste systems and or remove covering materials (Engineering/Plumbing services).
- c. Report On the adequacy and or the efficiency of the in place Systems to provide sufficient hot water to the dwelling, sufficient water supply or drainage for the dwelling (Engineering services)
 - ~~(d) Operate heating systems when weather conditions or other circumstances may cause equipment damage.~~
 - ~~(e) Operate automatic safety controls.~~
 - ~~(f) Ignite or extinguish solid fuel and or gas fires.~~

.

(g) Observe:

- 1. ~~_____ The interior of flues.~~
- 2. ~~_____ Fireplace insert flue connections.~~
- 3. ~~_____ Humidifiers.~~
- 4. ~~_____ Electronic air filters.~~
- 5. ~~_____ The uniformity or adequacies of heat supply to the various rooms.~~
- 6. ~~_____ The heat exchanger (Requires dismantling of the furnace cover and possible removal of controls)~~

~~HVAC technician work.~~

- d. State the effectiveness of anti-siphon devices (Engineering/Plumbing services).
- e. Determine whether water supply and waste disposal systems are public or private.
- f. Operate Automatic Safety Controls.
- g. Observe, operate, or Report On:
 - 1. The exterior hose bibs.
 - 2. Water conditioning systems.
 - 3. Fire and lawn sprinkler systems.
 - 4. On-site or public water, supply quantity and quality.
 - 5. On-site (Title V Inspection, 310 CMR 15) or public waste disposal systems.
 - 6. ~~08 System: Central Air Conditioning.~~ Foundation sub drainage systems.
 - 7. Whirlpool tubs, except as to functional flow and functional drainage.
 - 8. The interior of flue linings.
 - 9. Underground utilities, pipes, buried wires, or conduits (Dig Safe).
 - 10. Automatic Controls.³

³ Home and associate home *Inspectors* are prohibited from testing automatic controls with the noted exceptions of the arc and ground fault protective devices and overhead garage door openers.

6.07: System: Heating

1). The Inspector shall ~~observe:~~ Observe permanently installed exposed Readily Accessible and Observable heating

~~(a) Exposed readily accessible central air conditioning~~ systems including:

~~1. ——— Cooling and air handling equipment.~~

- a. Heating equipment including, but not limited to burners, valves, controls, circulators and fans.
- b. Normal operating controls.
- c. ~~(b) Exposed readily accessible~~ The presence of Automatic Safety Controls.
- d. The exterior of the chimneys, thimbles and vents.
- e. Solid fuel heating devices.

Heating distribution systems including:

- f. ~~Fans~~ Readily Accessible fans, pumps, ducts ~~and piping with~~ and supports, dampers, insulation, air filters, registers, radiators, fan-coil units, ~~condensers,~~ convectors.
- g. The existence of insulation.
- h. The exposed flue piping and the existence of a thimble(s).
- i. The presence of an installed ~~cooling~~ heat source in each habitable room including kitchens and bathrooms.
- j. ~~(The presence of a fireplace(s) and the operation of the damper(s).~~
- k. The presence of exposed flues serving other appliances in the smoke chamber.
- l. The fireplace damper(s).

2). The Inspector shall Describe:

~~(a) If possible, have the owner and or the owner's representative operate the systems using normal operating controls and report on conditions. If not possible for owner or owner's rep to operate system, home inspector shall operate system using normal operating controls and report on conditions.~~

~~(b) Open readily accessible operable access panels provided by the manufacturer or installer for routine homeowner maintenance and report on conditions.~~

~~(3) The Inspector is not required to:~~

~~(a) Collect engineering data on the size of the cooling equipment, the size or length of the distribution systems.~~

~~(b) Report on the adequacy of the in place system(s) to cool the dwelling (engineering services).~~

~~(c) Have the owner's representative operate the cooling systems when weather conditions or other circumstances may cause equipment damage.~~

~~(d) Observe evaporator coils (Requires dismantling of the plenum cover and possible removal of controls) HVAC technician work.~~

~~(e) Observe non-central air conditioners.~~

~~(f) Observe the uniformity or adequacy of cool air supply to the various rooms.~~

6.09 System: General Interior Conditions

(1) The Inspector shall observe:

(a) ~~Walls, ceiling, and floors.~~

(b) ~~Steps, stairways, balconies, and railings.~~

(c) ~~Counters and a representative number of cabinets.~~

(d) ~~A representative number of doors and windows.~~

(e) ~~Separation walls, ceilings, and doors between a dwelling unit and an attached garage or another dwelling unit.~~

- a. ~~(2) The type of energy source (Coal, Electric, Gas, Heat Pump, Oil, Wood, Other).~~
- b. ~~The heating equipment (Electric, Hot Air, Hot Water, Steam, Other).~~
- c. ~~The type of distribution System~~
 - I. ~~Piping: (Black Iron, Copper, Other).~~
 - II. ~~Duct work: (Aluminum, Fiberglass, Steel, Other).~~
- d. ~~Indicate the existence of insulation.~~

3. The Inspector shall Report On the condition of the following permanently installed and Readily Accessible and Observable heating system Components and recommend repair (if needed):

- a. The heating equipment.
- b. The distribution system.
- c. The flue piping and the existence of a thimble(s).
- d. The condition of the fireplace hearth(s)

(3) If possible, have the Seller and/or the Seller's Representative Operate the Systems using Normal Operating Controls. If not possible for Seller or Seller's Representative to operate the System the Inspector shall Operate the heating system using Normal Operating Controls and Report On condition of the heating equipment.

(4) Open Readily Accessible and Operable Access Panels provided by the manufacturer or installer for routine homeowner maintenance.

6.07 SYSTEM HEATING CONTINUED:

(5) The Inspector shall not be required to:

- ~~(a) Operate a representative number of primary windows and interior doors.~~
- ~~(b) Report signs of water penetration.~~
- ~~(3) The inspector shall report on:~~
 - ~~(a) The type of exposed floor material (brick, carpet, ceramic tile, linoleum, slate, vinyl tile, wood, other).~~
 - ~~(b) The type of exposed wall material (brick, ceramic tile, fiberglass, laminates, paneled, plaster, gypsum wall board, plastic tile, other).~~
 - ~~(c) The type of exposed ceiling material (acoustical tile, gypsum wall board, plaster, wood, other).~~
- ~~(4) The inspector is not required to observe and or report on the cosmetic condition of:~~
 - ~~(a) Paint, wallpaper, and other finish treatments on the interior walls, ceilings, and floors.~~
 - ~~(b) Draperies, blinds, or other window treatments.~~
 - ~~(c) Household appliances.~~
 - ~~(d) Recreational facilities or another dwelling units.~~

6.10 System: Insulation and Ventilation

- ~~(~~
 - a. Test and or inspect the heat exchanger (Requires dismantling of the furnace cover and possible removal of controls) Engineering services/Heating services
 - b. Collect engineering data on the size of the heating equipment and or the size or length of the distribution systems. (Engineering/Heating services).
 - c. Report On the adequacy or uniformity of the in place System(s) to heat the dwelling and or the various rooms within the dwelling (Engineering/Heating services).
 - d. Operate heating systems when weather conditions, other circumstances may cause equipment damage, when the electrical and or fuel supply to the unit is in the off position.
 - e. Ignite or extinguish solid fuel and or gas fires.
 - f. Observe, Describe, or Report On:
 - 1) ~~The inspector shall observe:~~ The interior of flues.
- ~~(a) Exposed insulation in unfinished spaces.~~
- ~~(b) Ventilation of attics and foundation areas.~~
- ~~(c) Kitchen and bathroom venting systems.~~
 - ~~(2) The inspector shall report:~~ Fireplace insert flue connections.
- ~~(a) The existence of insulation in unfinished spaces.~~
- ~~(b) Absence of it in unfinished space at conditioned surfaces.~~

~~(c) The type of ventilation in attic (gable, ridge, soffit, roof surface, other).~~

~~(d) Presence or absence of ventilation in kitchen and bathroom.~~

~~(3) The inspector is not required to report on:~~

~~(a) The type of insulation~~

~~(b) Concealed insulation and vapor retarders.~~

~~(c) Venting equipment which is integral with household appliances.~~

6.11 General Limitations and Exclusions

~~3. Humidifiers.~~

~~4. Electronic air filters.~~

~~5. Oil tanks (Abandon oil tanks and associated piping must be removed per 527 CMR).~~

~~6. The uniformity or adequacies of heat supply to the various rooms.~~

~~7. Underground pipes, tanks, and or ducts, however the Inspector must report their existence if it is known.~~

~~(6) The Inspector shall be prohibited from operating Automatic Safety controls:~~

6.08: System: Central Air Conditioning

1) General limitations.. The Inspector shall Observe:

~~(a) Inspections done in accordance with the standards set forth in 266 CMR 6.00 are visual and are not technically exhaustive.~~ Exposed Readily Accessible and Observable central air conditioning Components including:

~~(b) The standards set forth in 266 CMR 6.00 are applicable to buildings with four or less dwelling units and their attached garages.~~

~~(1. Cooling and air handling equipment.~~

~~2) General exclusions.~~ Normal operating controls.

~~(a) Inspectors shall not be required to report on:~~

~~6. Life expectancy of any component or system.~~

~~7. The causes of the need for a repair.~~

~~8. The methods, materials and costs of corrections.~~

~~9. The suitability of the property for any use.~~

~~10. Compliance or non compliance with applicable regulatory requirements.~~

~~11. Any component or system, which was not observed.~~

~~12. The presence or absence of pests such as wood damaging organisms, rodents, or insects.~~

~~Cosmetic~~ b. Exposed Readily Accessible and Observable distribution systems including:

1. Fans, pumps, ducts and piping, with supports, dampers, insulation, registers, fan-coil units, condensers, the presence of insulation on the distribution system.

c. The presence of an installed cooling source in each room (excluding singular air conditioning units).

2. The Inspector shall Describe:

- a. The type of distribution system (Duct work: Aluminum, Fiberglass, Steel, Other) and recommend repair (if needed).

3. The Inspector shall Report On the condition and recommend repair (if needed):

- a. The distribution system
- b. The insulation on the exposed supply ductwork.
- c. The operation of the both the distribution and condenser fan.
- d. Whether or not the cold gas line is insulated.
- e. Whether there is, a service receptacle and a visible service disconnect switch in the area of the condenser and air handling equipment.

4. The Inspector shall:

- a. If possible, have the Seller and or the Seller's Representative Operate the Systems using Normal Operating Controls.
- b. Open Readily Accessible Operable Access Panels provided by the manufacturer or installer for routine homeowner maintenance and report conditions Observed.

5. The Inspector shall not be required to:

- a. Collect engineering data on the size of the cooling equipment, the size or length of the distribution systems.
- b. Report On the adequacy of the in place system(s) to cool the dwelling (Engineering services).

- c. Observe, Describe, or Report On air filters and/or their effectiveness.
- d. Have the Seller and or the Seller's Representative operate the cooling systems when weather conditions or other circumstances may cause equipment damage, or when the electrical supply to the unit is in the off position.
- e. Observe, Describe, or Report On evaporator coils. (requires dismantling of the Plenum cover and possible removal of controls HVAC technician work).
- f. Observe, Describe, or Report On non-central air conditioners.
- g. Report On the adequacy or uniformity of the in place System(s) to cool the dwelling and or the various rooms within the dwelling (Engineering/Heating services).

6.09: System: General Interior Conditions

1. The Inspector shall Observe:

- a. Walls, ceiling, and floors.
- b. Steps, stairways, balconies, hand and guard railings.
- c. Counter tops and a representative number of cabinets.
- d. A representative number of doors and windows.
- e. Separation walls, ceilings, and doors between a dwelling unit and an attached garage or another dwelling unit.

2. The Inspector shall Describe:

- a. The type of exposed floor material (brick, carpet, ceramic tile, linoleum, slate, vinyl tile, wood, other).
- b. The type of exposed wall materials (brick, ceramic tile, fiberglass, laminates, paneled, plaster, gypsum wallboard, plastic tile, other).
- c. The type of exposed ceiling materials (acoustical tile, gypsum wallboard, plaster, wood, other).

3. The Inspector shall Report On the condition and recommend repair (if needed):

- a. The floor.
- b. The walls.
- c. The ceilings.
- d. The condition of the interior stairs, hand and guard railings.
- e. Signs of water penetration.
- f. The interior doors Observed and tested.
- g. The windows

4. The Inspector shall not be required to Observe, Describe, or Report On:

- a. Paint, wallpaper, and other finish treatments on the interior walls, ceilings, and floors.
- b. Draperies, blinds, or other window treatments.
- c. Household appliances.
- d. Recreational facilities, detached garages, out buildings or any other dwelling unit(s) or addresses.

6.10 System: Insulation and Ventilation

(1) The Inspector shall Observe Readily Accessible and Observable:

- a. Exposed insulation in unfinished spaces.
- b. Ventilation of attics and Under Floor Crawl Space areas.
- c. Bathroom venting systems
- d. The ventilation of under floor Under Floor Crawl Spaces.

(2). The Inspector shall Report On and recommend repair (if needed):

- a. Absence of insulation in unfinished space at Conditioned Surfaces The type of ventilation in the attic space (None, Ridge, Soffit, Area, Power Vent, Gable, Eave, Mushroom, Turbine, Other) The existence and or absence bathroom ventilation other than a window(s).
- b. The absence of ventilation of an under floor Under Floor Crawl Space.

(3) The Inspector is not required to Report On:

- a. The type(s) of insulation.
- b. Concealed insulation and vapor retarders.
- c. Venting equipment that is integral with household appliances.
- d. The venting of kitchens.
- e. Report On the adequacy, uniformity and capacity of the in place System(s) to ventilate the various areas of the dwelling (Engineering/Heating services).

6.11: General Limitations and Exclusions

(1) General Limitations.

(a) Inspections done in accordance with the standards set forth in 266 CMR 6.00 are visual and not Technically Exhaustive.

(b) The standards set forth in 266 CMR 6.00 are only applicable to residential buildings with four or less dwelling units and their attached garages.

(2) General Exclusions.

(a) Inspectors shall not be required to:

1. Report the remaining life expectancy of any Component or System.
2. Report the causes of the need for repair.
3. Report the materials for corrections of the problem.
4. Report the methods of repair other than to indicated the repair should comply with applicable requirements of the governing codes and sound construction practices.
5. Report compliance or non-compliance with applicable regulatory requirements unless specifically contracted for in writing.
6. Report On any Component or System not covered by this standard of practice.
7. Report On cosmetic items, items that are not Readily Accessible and Observable, underground items, or items not permanently installed.
8. ~~Items~~ Report On, Observe, or Describe items specifically excluded by ~~client~~ the Client which are noted in writing on the Report.

6.11 GENERAL LIMITATIONS AND EXCLUSIONS CONTINUED:

(b) Inspectors shall not be required to:

~~5. Offer or perform any act or service contrary to law.~~

1. Offer warranties or guarantees of any kind.

~~(c) Inspectors are prohibited from reporting on:~~

~~2. Market value of property or its marketability.~~

~~3. The advisability or inadvisability of the purchase of the property.~~

2. ~~Offer or perform engineering, architectural, surveying, plumbing, electrical, heating services, pest control, urea formaldehyde and lead paint inspection(s) or any other job function requiring an occupational license and or registration in the jurisdiction where the inspection is taking place, unless the inspector holds a valid registration and or occupational license, in which case he/she may inform the client that he/she is so registered/licensed, and is therefore qualified to go beyond the 266 CMR 1.00-11.00. Should the inspector offer any service requiring a registration and or occupational licenses he/she shall be required to specify and list additional services not required under these standards of basic home inspection. In addition the inspector shall not offer to make and~~ Collect any engineering data (the size of structural members and or the output of mechanical and or electrical equipment).
3. Inspect spaces that are not Readily Accessible and Observable.
4. Enter any area or perform any procedure, which may damage the property or its Components, or be dangerous and unsafe to the Inspector or other persons, as determined by and noted by the Inspector.

~~4. Disturb or move insulation, stored and or perform any repairs and or treatment to the property he and or his firm has inspected.~~

~~5. To collect any engineering data (the size of structural members and or the output of mechanical and or electrical equipment).~~

~~6. Determine the cost of repairs.~~

~~7. Determine Building Code and or Zoning violations.~~

~~8. Verify property lines.~~

~~9. Inspect concealed spaces.~~

~~10. Inspection of surface and subsurface soil conditions.~~

~~11. Calculate the strength, adequacy, or efficiency of any system or component.~~

~~12. Enter any area or perform any procedure, which may damage the property or its components, or be dangerous to the inspector or other persons.~~

~~13. Operate any system or component that is shut down or otherwise inoperable.~~

~~14. Operate any system or component, which does not respond to normal operating controls.~~

5. ~~Disturb insulation, move personal items, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility.~~

~~15. — Determine the presence or absence of any suspected hazardous substance including but not limited to latent surface and or subsurface Volatile Organic Compounds, PCB's, asbestos, UFFI, toxins, carcinogens, lead paint, radon gas, noise, and contaminants in soil, water, air quality, wet lands and or any other environmental hazard.~~

6. Determine the effectiveness of any ~~system~~ System installed to control or remove suspected hazardous substances. (See Additional Services)
7. Predict future conditions, including but not limited to failure of ~~components~~. Components.
8. Project operating costs of ~~components~~. Components.

~~16. — Evaluate acoustical characteristics of any system or component.~~

~~17. — Determined location of property lines.~~

9. Determine extent or magnitude of damage or failures noted.

~~REGULATORY AUTHORITY~~

~~M.G.L. c. 13, § 96, c.112, §§ 221 through 226.~~

10. Operating any System or Component, that which does not respond to normal operating controls.
11. Test for radon gas unless specifically contracted for in writing. (See Additional Services).
12. Provide Environmental Services. (See Additional Services).
13. Determine the presence or absence of pests such as: rodents or wood destroying insects. (See Additional Services).
14. Evaluate acoustical characteristics of any System or Component. (See Additional Services).
15. Inspect surface and subsurface soil conditions. (See Additional Services).
16. Determine the energy efficiency of the Dwelling as a whole or any individual System or Component within the Dwelling. (See Additional Services).

6.12 Prohibitions:

Inspectors Are Prohibited From:

1. Reporting on the market value of property or its marketability and or the suitability of the property for any use.
2. Advising their Client about the advisability or inadvisability of the purchase of the property.
3. Testing Automatic Safety Controls, except as required by the standards of practice. (Arc and Ground Fault protective devices and overhead door openers.)
4. Offering or performing any act or service contrary to law and/or these regulations.
5. Determining the cost of repairs of any item, Component and/or System noted in their Report and/or inspected by them or their firm.
6. Offering to make and/or performing any repairs, providing any remedy: including performing engineering, architectural, surveying, plumbing, electrical and heating services, pest control treatment, urea formaldehyde and lead paint inspections or any other job function requiring an occupational license or registration, in the Commonwealth, on a defect, problem, or safety hazard discovered and recorded on the date of inspection by the Inspector or his or her firm. Nothing in this section shall prohibit a Home Inspector or his or her firm from offering consulting services on a Dwelling so long as the consulting service is not pursuant to a sale of the Dwelling or the repairs and/or services are part of a negotiated settlement of a complaint or claim against an Inspector.

6.12 Prohibitions Continued:

7. Verifying property lines and/or determine location of property lines (Registered Surveyor).
8. Calculating the strength, adequacy, or efficiency of any System or Component (Engineering Service)
9. Operating any System or Component that is shut down or otherwise inoperable. However, the Inspector shall recommend the Seller and or the Seller's Representative demonstrate that those Systems and/or Components are functional.
10. Turning on any electrical or fuel supply and/or devices that are shut down. However, the Inspector shall recommend the Seller and/or the Seller's Representative demonstrate that those Systems and/or Components are functional.

6.13 Additional Services that may be provided at the time of the Inspection:

The Home Inspector may provide any of the following additional services at the time of the Inspection, provided that the service is specifically contracted for in writing and it does not include physical repair, abatement or treatment to the Dwelling inspected.

1. Engineering, architectural, surveying, plumbing, electrical, or heating services. Urea formaldehyde and lead paint inspections. However, to offer such services the Inspector shall hold a valid registration or occupational license in the Commonwealth. In such case the Inspector must inform the Client in writing that he/she/they is so registered/licensed and is therefore qualified to go beyond the standards of 266 CMR 6.1.00 through 6.13.00. Should the Inspector offer any service requiring a registration and or occupational licenses he/she/they shall be required to specify and list additional services that are not required under these standards in the Contract.
2. Determination of Building Code and/or Zoning violations.
3. Determination of the presence or absence of pests such as: rodents or wood destroying insects.
4. Environmental Services including determining the presence or verifying the absence of any micro organisms, suspected hazardous substance including carbon monoxide, but not limited to latent surface and or subsurface Volatile Organic Compounds, PCB's, asbestos, toxins, carcinogens, radon gas, noise, and contaminants in soil, water, air quality, molds, wet lands and or any other environmental hazard. However, to offer such services the Inspector shall hold a valid registration or occupational license in the Commonwealth to perform such service and must and list additional services that are not required under these standards in the Contract.
5. Evaluation of acoustical characteristics of any System or Component.
6. Inspection of surface and subsurface soil conditions. However, to offer such services the Inspector shall hold a valid registration or occupational license in the Commonwealth to perform such service and must and list additional services that are not required under these standards in the Contract.
7. Determination of the energy efficiency of the dwelling as a whole or any individual System or Component within the Dwelling.
8. Any other additional service not listed as part of the Standards of Practice and/or prohibited or excluded under this regulations.